

Remarks

Support for the new claims in the application as filed

5 *Generally*

The new claims are to one of the species of Applicant's' invention, namely a "system for supporting management of a business by persons involved therein". The preferred embodiment of the invention described in the application as filed belongs to this species of the invention.

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Support for claim 187

The "processor" and "interface to the system" are supported in the discussion of the computing environment beginning at page 18 of the application. That the invention provides a model of the business is set forth beginning at page 12, line 20, which

15 discloses the "business domain structure to which strategic goals and contributing initiatives can be linked." The "representation of a model of the business" in the preferred embodiment, which is implemented in a database system, is described at page 17, lines 18-22 and database systems that may be employed to implement the representation are described in the discussion of the computing environment on page 18.

20 The "representations of model entities [that] belong[] to a hierarchy and/or another hierarchy" are embodied in the representations of the domains, goals, and initiatives that make up the business model described at page 12, line 20. As is apparent from the discussion of "Planning" beginning at p. 24, line 15, the hierarchies are embodied in the preferred embodiment in the domain hierarchy, shown in FIGs. 6 and 8 and the goal

25 hierarchy shown in FIG. 3. That goals can also belong to the domain hierarchy is shown in FIG. 9.

30 The interface that permits a person to "perceive and modify the model entities and the hierarchies and to perceive and modify the information to which the model entities provide access" is described in the discussion of "Managing the hierarchy" which begins

at page 27, line 5 and the following discussion of “Executing goals and projects” and is shown in the Figures referenced in those discussions.

5 Examiner will immediately see that the locations cited above also provide support for dependent apparatus claims 188-197, independent method claim 198, and dependent method claims 199-210. The new claims are thus fully supported by the Specification as filed.

The new claims as a response to the restriction requirement

10 The basis for Examiner’s restriction requirement was that the originally-filed claims were addressed to apparatus and methods belonging to class 705, subclass 7, while claims 126-186 that were added in the response to the second Office action were addressed to apparatus and methods belonging to class 709, subclass 204. Claims 126-186 have now been canceled without conceding the correctness of Examiner’s classification of them.

15 Claims 187-210 that are being added in this response clearly belong to class 705, subclass 7. As set forth in the preamble of claim 187, what is claimed is “a system for supporting management of a business by persons involved therein”. Further, the claim clearly sets forth that the system includes “a model of the business” and that the “model entities” in the model “provid[e] access to information relating to the business”. The claim is thus 20 addressed to Class 705’s “apparatus and corresponding methods … for performing calculation operations wherein the apparatus or method is … utilized in the practice, administration, or management of an enterprise …” and more particularly to subclass 7’s “computerized arrangement for the systematic and scientific analysis and evaluation of the operation of an organization or the programmed scheduling of an organization.”

25 Examiner will immediately see that the arguments made above also apply to independent method claim 197 and to all of the claims that are dependent from independent claims 187 and 198.

Patentability of the new claims

30 *The rejections under 35 U.S.C. 101*

The rejections under 35 U.S.C. 101 are not applicable to the present claims because the claims clearly set forth apparatus comprising a processor and a user interface, the processor producing the limitations which the claim sets forth with regard to the database and the user interface. The claims are thus directed to patentable subject matter for the 5 same reasons that originally-filed and now-canceled claims 36 and 37 were directed to patentable subject matter.

The rejections under 35 U.S.C. 103

These rejections are all based on the combination of Lowery and Pearce. Lowery 10 discloses a computerized scheduling system for which the inputs are a hierarchical list of tasks and resource requirements and time constraints for each task. The scheduling system then generates a Gantt chart from the list and the task information. Such a scheduling system cannot reasonably be said to provide “a model of the business”, as is required for Applicant’s claim 187. Each schedule is further generated from a single 15 hierarchy of tasks, and there is therefore nothing whatever that corresponds to Applicant’s claim limitation that “the representations of model entities belong[] to a hierarchy and/or another hierarchy” or to the limitation that the interface “permit[s] a person to perceive and modify the … hierarchies”.

20 Pearce discloses techniques for the strategic management of a business, including making a model of the business and its objectives, but provides no disclosure whatever of how a system might be built which would aid management in making and applying the model. In particular, Pearce does not disclose “a representation of a model of the business, the 25 model including representations of model entities, the representations of model entities belonging to a hierarchy and/or another hierarchy”.

Since Lowery and Pearce combined do not disclose all of the limitations of Applicant’s claim 187, that claim is patentable over the references, as are all of the claims dependent from claim 187. As Examiner will immediately see, the above argument 30 applies to claim 198 and to the claims dependent therefrom as well.

Conclusion

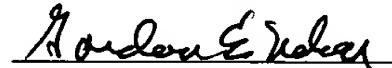
Applicant has replaced claims 126-186 with new claims that better set forth his invention and that clearly fall within class 705, subclass 7 and has thereby overcome the restriction requirement. Applicant has further demonstrated that the references cited thus far do not 5 anticipate the new claims or render them obvious. Applicant has thus fulfilled the requirements of 37 C.F.R. 1.111(b) and respectfully requests that Examiner continue with the examination as provided by 37 C.F.R. 1.111(a). No fees should be required for this amendment. Please charge any additional fees that may be required the amendment to deposit account number 501315.

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Respectfully submitted,



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Date

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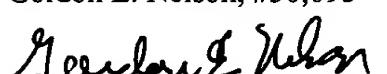
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